

United States
Department of the Interior
Bureau of Land Management

Miles City Field Office

**Nemont Fiber Optic
Telecommunications Cable
Installation ROW MTM-105771**

Environmental Assessment (EA)
DOI-BLM-MT-C020-2013-0141-EA

For Further Information Please Contact:

Bureau of Land Management
Miles City Field Office
111 Garryowen Road
Miles City, Montana 59301
406-233-2800

BLM



**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2013-0141-EA
	DATE ENTERED: 4/22/2013
NAME: Nemont Fiber Optic Telecommunications Cable Installation Right-of-way MTM-105771	DATE DUE: 5/10/2013
	FUNDING: Applicant
LOCATION: See legal descriptions below in EA, Richland County, Montana, PMM	SERIAL #: MTM-105771

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Beth Klempel	Realty Specialist	Project Coordinator and Lands and Realty

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Jesse Hankins	Wildlife Biologist	Wildlife/T&E	JCH 5/20/13
Brenda Witkowski	NRS – Weeds	Weeds	BSW 5/28/2013
Doug Melton	Archaeologist	Cultural/Paleo	08/05/13 DM Cultural Report MT-020-`13-20
Dena Lang	Outdoor Recreation Planner	Recreation, VRM, Wilderness	DJL 6.25.2013
Chris Robinson	Hydrologist	Water	CWR 4/25/2013
Shane Findlay	Assistant Field Manager	Review	SDF 8/9/2013



ENVIRONMENTAL COORDINATOR

8/12/2013
DATE

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2013-0141-EA **Serial Number:** MTM-105771

PROPOSED ACTION/TITLE TYPE:

Nemont Fiber Optic Telecommunications Cable Right-of-way MTM-105771

LOCATION OF PROPOSED ACTION: (see attached maps)

Principal Meridian, Richland County, Montana

T. 27 N., R. 56 E.,

sec. 7, Lots 6 thru 11, SE1/4SW1/4 and S1/2SE1/4;

sec. 8, Lot 12, S1/2SW1/4;

sec. 15, NE1/4SW1/4;

sec. 24, E1/2SE1/4, and SE1/4NE1/4.

T. 27 N., R. 57 E.,

sec. 19, Lots 5, 8, 9, 10, and SE1/4SW1/4;

sec. 30, Lots 1 thru 5, SW1/4NE1/4, SE1/4NW1/4.

T. 27 N., R. 55 E.,

sec. 7, SE1/4SW1/4 and SW1/4SE1/4;

sec. 8, Lot 7;

sec. 9, SW1/4NE1/4;

sec. 11, Lot 8.

T. 27 N., R. 54 E.,

sec. 12, Lots 15 and 16.

PREPARING OFFICE: Miles City Field Office

APPLICANT: Nemont Telephone Cooperative, Inc.
P. O. Box 600
Scobey, Montana 59263-0600

DATE OF PREPARATION: April 22, 2013

CONFORMANCE WITH APPLICABLE LAND USE PLAN: This proposed action is in conformance with the Big Dry RMP ROD approved in 1996. On page 10 of the Record of Decision, it states; "In areas where rights-of-way are allowed, stipulations from the BLM Manual 2800 will be used to protect resource values." The proposed action has been reviewed for conformance with this plan and its terms and conditions as required by 43 CFR 1610.5.

PURPOSE AND NEED: Nemont Telephone Cooperative, Inc. would like to upgrade the telephone services to their customers who are located in Roosevelt and Richland Counties, Montana. The primary users would be local residents and agency personnel working in the area. In order to supply adequate and upgraded services to this area, Nemont proposes to install an underground fiber optic cable along with above-ground pedestals necessary for connection points

and maintenance of the cable. The majority of the right-of-way locations would be located within private right-of-ways and only eleven BLM parcels located in Richland County would be affected.

PROPOSED ACTION: In order to meet the demands of a rapidly changing telecommunications industry, Nemont Telephone Cooperative, Inc. would like to enhance their services to their subscribers in Roosevelt and Richland Counties, Montana. By increasing capacity, subscribers of Nemont Telephone will be able to use technologies made possible by advancements in telecommunication services. They would like to install an underground fiber optic telecommunications cable along with above-ground pedestals necessary for connection points and maintenance of the cable. The cable would be installed in the road right-of-way along Highway 16 and county road 152 in Richland County. Alternative routes were considered, but were not feasible. This alternative would cause fewer disturbances than the other alternatives because it would be located in the road right-of-way, which already has been disturbed. The proposed cable would cross eleven parcels of Federal land. The right-of-way would be 20 feet wide, 17, 348 feet long, and consist of 7.97 acres, more or less.

The fiber optic cable would be buried using the direct static plow method and directional boring. The small diameter cables would be placed in the ground in a narrow slot using a vertical cable plow which is pulled by one or more crawler tractors. The operation is a continuous process that does not create any open trenches. The trench would be approximately three inches wide. This would allow for minimal ground disturbance of the tractor tracks and the plow scar. The disturbance would be minimal. There would be periodic above-ground, standard fiber pedestals that serve as connection points and are necessary for the splicing and maintenance of the cable; however Nemont would avoid placing any pedestals when on BLM land. The nominal depth is a minimum of 36 inches on Federal lands. The work force would consist of 15-20 people and 5-10 vehicles. There would be four pickups, three gooseneck trailers, two CATS, one backhoe, and one boring machine. No clearing or grading of the proposed route would be needed.

Construction activities would start in the summer/fall of 2013 and would probably be completed in one month. Access would be from Highway 16 and county road 152. No new roads would be needed. The line would be operated on a year around basis. Construction activities would cease if precipitation occurs and would not resume until the ground is sufficiently dry to eliminate surface damage by construction equipment. No known hazardous materials would be used during construction or any time on the right-of-way. No site clearing or topsoil removal would be necessary. Once constructed, the line would require minimal expenditures for operation and maintenance. Periodic inspections would be conducted by Nemont Telephone to ensure the line's structural integrity. Right-of-way construction and use would be monitored by the BLM. There would be no blading and the small amount of disturbance would be reseeded and re-vegetation after construction.

Termination activities for the Federal surface area would be conducted in much the same manner as construction activities. Access would be available along the same route. Their above-ground appurtenances would be removed and disposed of in a licensed landfill. The buried line would be left in the ground.

The right-of-way would be issued pursuant to 43 CFR 2800, Title V of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2776; 43 U.S.C. 1761), and in accordance with the April 1982 Memorandum of Understanding between the Bureau of Land Management and the Montana Associated Utilities for the construction, operation, maintenance, and termination of the proposed project. The right-of-way would be subject to the terms and conditions in 43 CFR 2800, the terms and conditions and stipulations specified below, and mitigations set forth in the application. They requested a right-of-way term for a period of 30 years and be renewable. Nemont Telephone would be subject to cost recovery, but would be exempt from rental because they are an affiliate of the Rural Electrification Act. The line is proposed to be constructed in the summer/fall of 2013. The line would be used on a year around basis to transport phone service to their customers.

The standard stipulations for cultural and/or paleontological resource protection and toxic substances would be made a part of the right-of-way grant, as would the standard stipulation that all activities associated with the right-of-way would be conducted within the authorized limits of the grant. The applicant shall be responsible for weed control on disturbed areas within the limits of the right-of-way. There would be no construction or routine maintenance when the soils are too wet. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the regulations of the Secretary of the Interior issued pursuant thereto. The right-of-way would be subject to mitigations set forth in the application and plan of development. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

ALTERNATIVE 1 - NO ACTION: The no action alternative would be not to allow Nemont Telephone Cooperative, Inc. a right-of-way across Federal lands.

AFFECTED ENVIRONMENT:

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA:

Mandatory Item	Potentially Impacted	No Impact	Not Present On Site
Threatened and Endangered Species			X
Floodplains			X
Wilderness Values			X
ACECs			X
Water Resources		X	
Air Quality		X	
Cultural or Historical Values		X	
Prime or Unique Farmlands			X
Wild & Scenic Rivers			X
Wetland/Riparian			X
Native American Religious Concerns			X
Wastes, Hazardous or Solids			X
Invasive, Nonnative Species		X	
Environmental Justice		X	

The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: forestry, riparian, recreation, wilderness, wild horse/burro, fire, geology, minerals, noise, and weeds.

Cultural: The proposed action has been examined for impacts to cultural resources.. The line would be placed in existing disturbance. Reviews of Montana SHPO and BLM Miles City Cultural and Paleontological Records shows that the line would not impact any known sites on BLM managed lands (See BLM Cultural Resources Report MT-020-13-20). The proposed action would have no effect to historic properties.

Hydrology: The proposed action largely parallels the Missouri River within the Charlie-Little Muddy Creeks watershed (10060005). Drainages in the area are largely ephemeral in nature and only flow as a result of snowmelt or precipitation events. Peak flows generally occur March through May, and intense flows of short duration occur throughout the summer following thunderstorms. The Missouri River downstream of the proposed action is MT-DEQ listed under §303(d) of the Clean Water Act as impaired due to water temperature and other flow regime alterations. The impairment has been attributed to dams or impoundments, impacts from hydrostructure flow, and regulation/modification.

Lands/Realty: The proposed distribution line would be 20 feet in width, 17,348 feet in length, and consist of 7.97 acres, more or less.

There are existing rights-of-way near the proposed telecommunications line. In Section 15, T. 27 N., R. 56 E., there are two existing rights-of-way. MTGF-082164 is issued to the Montana Highway Commission for Highway 16. MTM-083243 is issued to Nemont Communications, Inc. for an underground fiber optic cable.

In Section 30, T. 27 N., R. 57 E., there are two existing rights-of-way. MTM-056174 and MTM-056227 are issued to the Bear Paw Energy for an oil and gas pipeline and access road. The access road (MTM-056227) is also authorized in Section 19, T. 27 N., R. 57 E.

Nemont also has a telephone cable right-of-way (MTM-054795) authorized in the following locations: Sections 7, 9 and 11, T. 27 N., R. 55 E., and Sections 7 and 8, T. 27 N., R. 56 E., which are near the proposed telecommunications line.

Recreation: The proposed project is within the Lewis and Clark Special Recreation Management Area (see map 3). This SRMA is managed in accordance with the Lewis and Clark National Historic Trail established in 1978. The trail is managed for public use and enjoyment, while preserving the historic and cultural resources related to the events that occurred during the expedition.

Soils: Soils generally developed from residuum or alluvium derived from the Ludlow Member of the Fort Union Formation. Soils are commonly very deep and well drained. The principal ecological sites are silty or sandy. Surface textures are typically loams. Slopes range from 5 to 10 percent. The elevation is approximately 2,100 feet.

Vegetation: The common grass species include western wheatgrass, blue grama, needle-and-thread, Sandberg bluegrass, green needlegrass, and prairie junegrass. Common shrubs are broom snakeweed and plains pricklypear. Common forbs are scarlet globemallow, curly-cup gumweed, and dandelion.

Wildlife: A variety of wildlife species inhabit the proposed action area which is comprised of the Missouri River corridor and associated upland habitat. Mule deer and white-tailed deer winter range is located within the proposed action area. The uplands provide habitat for sharp-tailed grouse while the river corridor and associated uplands provide habitat for numerous non-game species including migratory bird species. Bald eagles, a BLM Sensitive Species, utilize the Missouri River Corridor for nesting and foraging in the proposed action area. The proposed action area falls within the identified whooping crane corridor. Whooping cranes are protected as an Endangered Species. Although located within the known corridor, the proposed action areas are not located within or immediately adjacent to suitable whooping crane stopover sites.

Visual Resource Management (VRM): The proposed action lies within a Class II VRM objective. The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Activities or modifications of the environment should not be evident or attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color and texture found in the predominant natural features of the characteristic landscape.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural: The proposed action would not impact cultural or paleontological resources. Placement of the line in existing disturbance meets BLM inventory exemption requirements. Additionally portions of the proposed line have been previously inventoried. The proposed undertaking would have no effect to cultural properties listed on, or eligible for listing on the National Register of Historic Places. No additional cultural or paleontological work is recommended subject to the cultural/paleontological stipulation in the right-of-way grant.

Hydrology: Construction activities would avoid clearing and grading and would not result in the creation of an open trench. As a result, erosion and sediment delivery to nearby waterbodies would be minimal. Impacts to streams would be minimal because the proposed action does not cross any intermittent or perennial streams.

Lands/Realty: The proposed project would require the BLM to issue a right-of-way grant to Nemont Telephone Cooperative, Inc. for the underground telecommunication line. The proposed cable would be 20 feet in width, 17,348 feet in length, and consist of 7.97 acres, more or less. Care should be used not to interfere with the existing BLM-issued right-of-way.

Recreation: Construction of the fiber optic cable would occur within an already disturbed area and within an existing right-of-way. The disturbance area and impacts would be minimal to the recreation associated with the Lewis and Clark Special Recreation Management Area.

Soils: Construction associated with the fiber optic cable would result primarily in compaction, with some soil mixing and ground cover removal. The 7.97 acre disturbance area would be located in a previously-disturbed area. Compaction would decrease nutrient cycling and increase overland flow until the site returns to natural rates due to freeze–thaw cycles and root development. Though the proposed action would disturb soils susceptible to water erosion, the disturbance area and impacts to soils would be minimal. Avoiding vehicle use during conditions which lead to ruts greater than four inches deep would reduce soil compaction and mixing by vehicles.

Visual Resource Management: Impacts to the visual viewshed would occur on a short-term basis during construction. After mitigation and rehabilitation the buried fiber optic cable should not be evident or attract the attention of the casual observer.

Wildlife: Effects to wildlife species in the proposed action area would be negligible. The installation would be within the right-of-way of an existing highway and county road where traffic, noise, and dust have led to a pre-existing level of disturbance. Potential does exist, however, for the displacement or “take” of individual wildlife species such as ground nesting migratory birds utilizing areas immediately adjacent to the proposed action area. Additionally, this action would be short-term in duration with little habitat loss due to the “ripping” of the fiber optic line.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

There could be an impact to the residents in Roosevelt and Richland Counties if BLM did not allow Nemont to obtain a right-of-way to install a fiber optic telecommunications cable. The no action alternative would prevent Nemont from providing their customers with internet access and upgraded telephone service.

CUMULATIVE IMPACTS:

There will be no other cumulative impacts from this project in addition to those identified in the Big Dry Resource Management Plan completed in 1996. A detailed discussion of these cumulative impacts can be found on Pages 118 and 119 of the Big Dry EIS.

MITIGATION:

The right-of-way grant would be issued under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2800, the application, mitigations as mentioned in the plan of development, and subject to the following stipulations:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
3. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
4. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
5. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
7. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.
8. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.
9. The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within six months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are

planted first. The holder shall take appropriate measures to insure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of seven (7) days prior to seeding of the project.

Seed Mixture (silty) - Western wheatgrass must be included in the mix. Thickspike wheatgrass may be substituted only when western wheatgrass is unavailable. The combination for the seed mixture must include at least four of the following species including Western wheatgrass:

Species of Seed *(PLS)	(Variety)	Common Name	Pounds/acre
Pascopyrum smithii	(Rosanna)	Western wheatgrass	3.00
Pseudoroegneria spicata	(Goldar)	Bluebunch wheatgrass	2.00
Stipa viridula	(Lodom)	Green needlegrass	2.00
Elymus trachycaulus	(Pryor)	Slender wheatgrass	2.00
Stipa comata		Needleandthread	1.00
Bouteloua curtipendula		Sideoats Grama	2.00
Schizachyrium scoparium		Little bluestem	2.00

*Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

10. Construction activity and surface disturbance will be prohibited during the period from December 1 to March 31 for the protection of mule deer winter range habitat.

11. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

CONSULTATION/COORDINATION:

The Nemont Telephone Cooperative, Inc. ROW EA (DOI-BLM-MT-C020-2013-0xxx-EA) was made available online via the Miles City Field Office NEPA log.

Dave Gaugler, Right-of-way Agent, Finley Engineering, Contractor for Nemont Telephone Cooperative, Inc.

LIST OF PREPARERS:

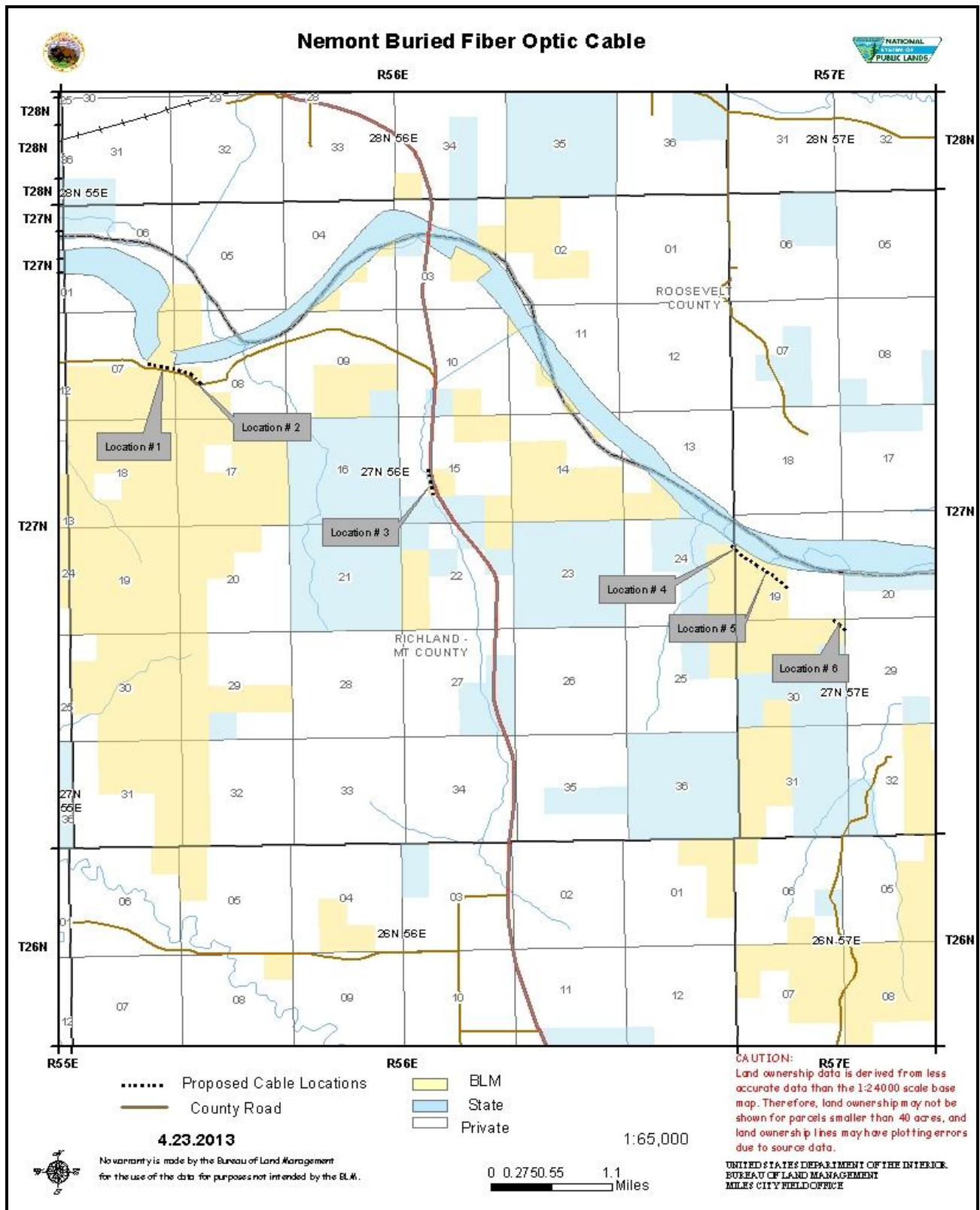
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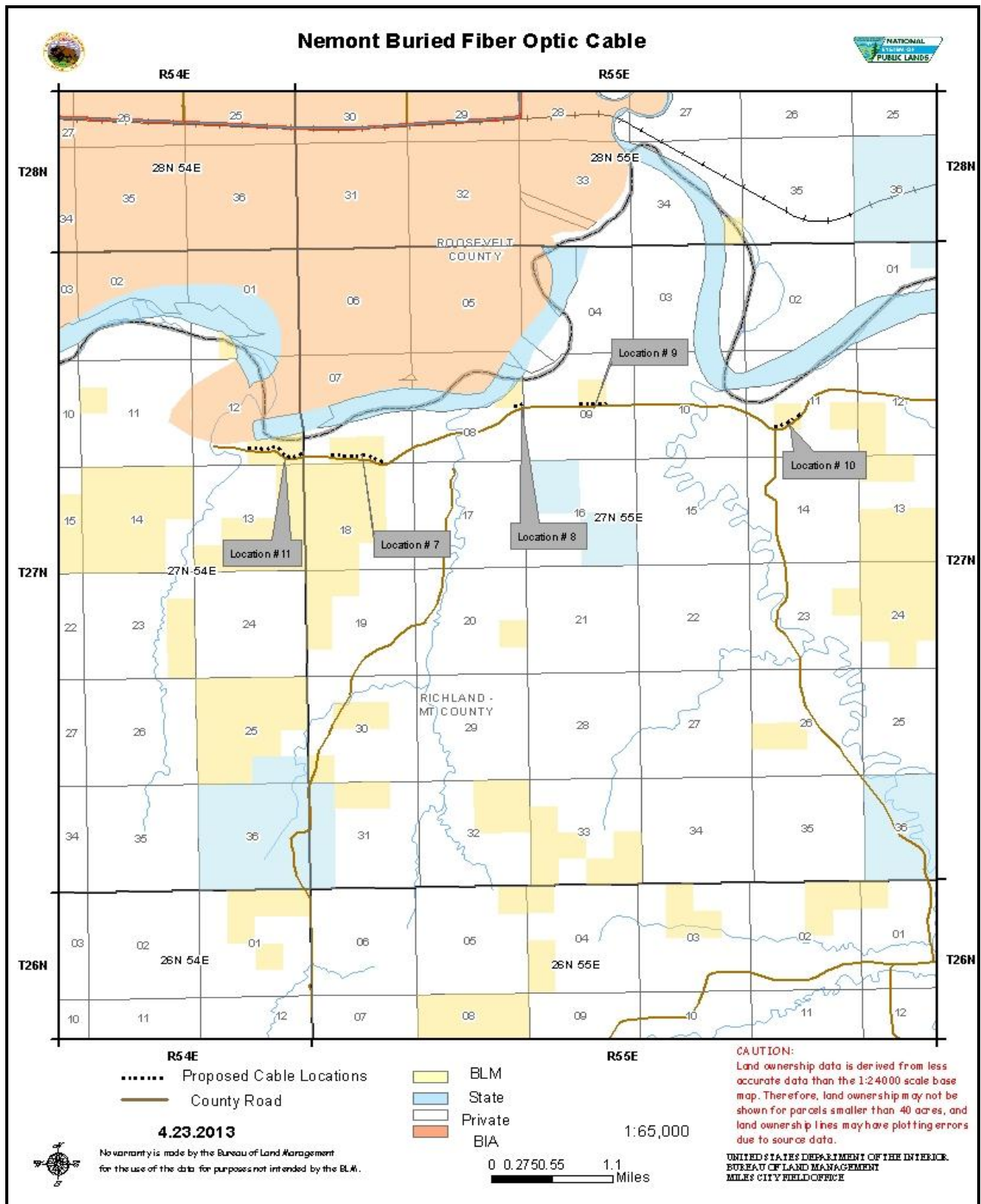
Dena Lang, Outdoor Recreation Planner

Chris Robinson, HydrologistBrenda Witkowski, Natural Resource Specialist (Weeds)

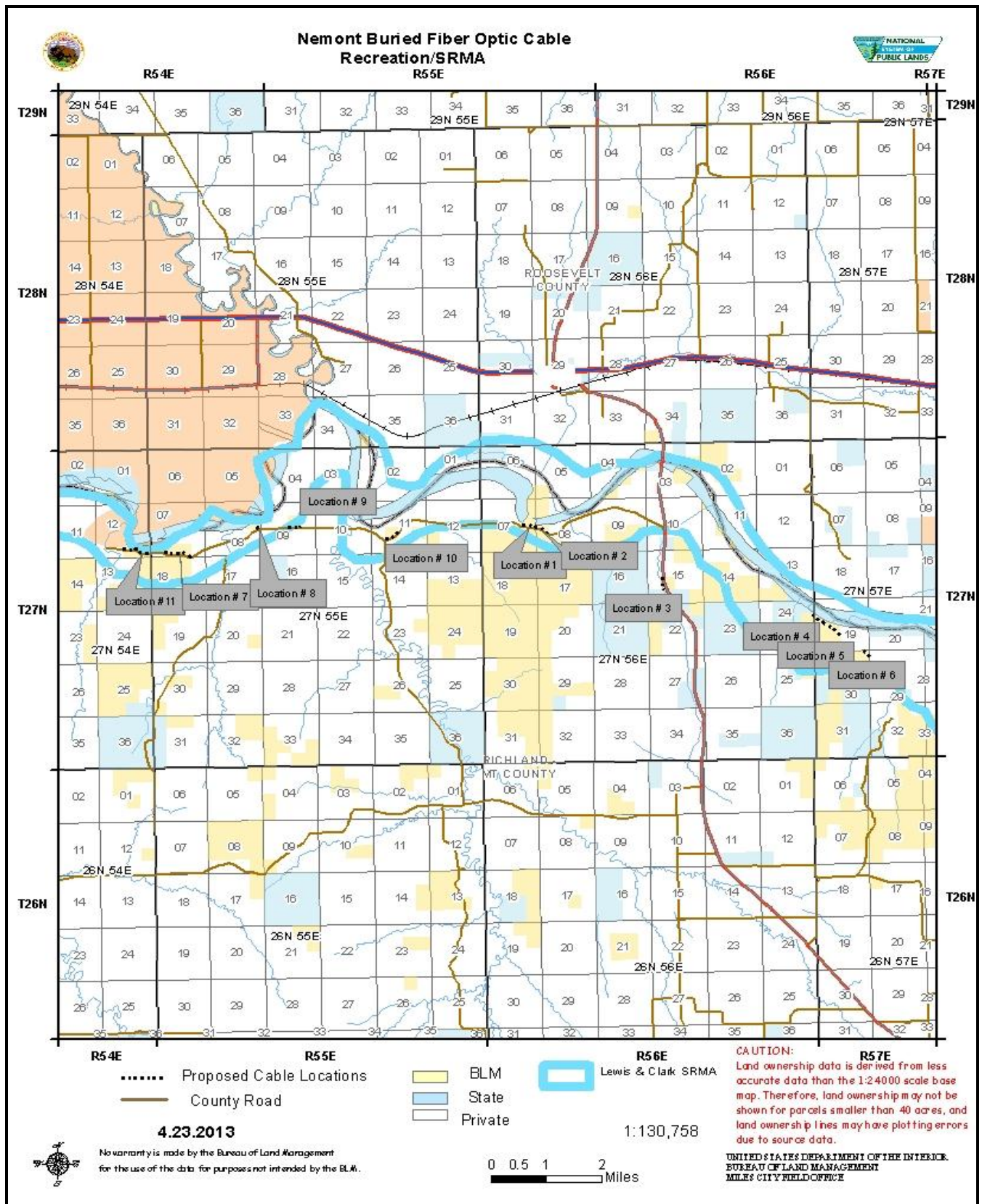
Beth Klempel, Realty Specialist



Map 1 shows the proposed locations (#1-6) of the proposed underground fiber optic cable across BLM land in Richland County, MT.



Map 2 shows the proposed locations (#7-11) of the proposed underground fiber optic cable across BLM land in Richland County, MT.



Map 3 shows the proposed telecommunication cable within the Lewis and Clark SRMA.

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT**

NEMONT TELEPHONE RIGHT-OF-WAY MTM-105771
DOI-BLM-MT-C020-2013-0141-EA

BACKGROUND

The origin of the environmental assessment was due to a request from Nemont Telephone Cooperative, Inc. for a right-of-way (ROW) to supply fiber optic telecommunications services to their customers in Roosevelt and Richland Counties, Montana so they can have upgraded telephone and Internet services.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-0141-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Big Dry Resource Management Plan.
- (2) The Proposed Action is in conformance with the Record of Decision for the Big Dry Resource Management Plan; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR '1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action is a site-specific action which would occur in Richland County, Montana which is designated as available for acceptance of ROW proposals in the Big Dry RMP. The RMP anticipated that ROW applications would continue to be approved in areas where rights-of-way are allowed and stipulations from the BLM Manual 2800 will be used to protect resource values. The proposed action is in accordance with the Big Dry RMP.

Under the Proposed Action, ROW Grant MTM-105771 would be issued to Nemont Telephone

Cooperative, Inc. to allow them to install a fiber optic copper telecommunications cable across the following Federal lands (PD lands):

Principal Meridian, Richland County, Montana

T. 27 N., R. 56 E.,

sec. 7, Lots 6 thru 11, SE1/4SW1/4 and S1/2SE1/4;

sec. 8, Lot 12, S1/2SW1/4;

sec. 15, NE1/4SW1/4;

sec. 24, E1/2SE1/4, and SE1/4NE1/4.

T. 27 N., R. 57 E.,

sec. 19, Lots 5, 8, 9, 10, and SE1/4SW1/4;

sec. 30, Lots 1 thru 5, SW1/4NE1/4, SE1/4NW1/4.

T. 27 N., R. 55 E.,

sec. 7, SE1/4SW1/4 and SW1/4SE1/4;

sec. 8, Lot 7;

sec. 9, SW1/4NE1/4;

sec. 11, Lot 8.

T. 27 N., R. 54 E.,

sec. 12, Lots 15 and 16.

This fiber optic line would be authorized with a ROW which would be issued under Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761). The ROW would be 20 feet wide and approximately 17,348 feet in length, and consist of 7.97 acres, more or less. The proposed project will be constructed, used, maintained, and terminated in conformance with the company's Plan of Development which was submitted with their application. Nemont will be subject to cost recovery, but would be exempt from rental in accordance with 43 CFR 2806.14(d) because they are financed under the Rural Electrification Act (REA). The ROW would be subject to the terms and conditions in 43 CFR 2800, the Plan of Development/application, and the stipulations listed below.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

1. Impacts that may be both beneficial and adverse. The effects from the proposed project are described in the EA. In addition to mitigation measures included in the project design, BLM developed additional mitigation measures to further minimize or eliminate adverse impacts to other resources and land uses. These additional mitigation measures are identified in the proposed action and are attached to this document as ROW Stipulations. The EA also disclosed beneficial impact from the proposed project that they would provide their customers with upgraded phone and Internet services. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Big Dry Resource Area Management Plan.

2. *The degree to which the proposed action affects public health and safety.* No aspect of the proposed action would have an effect on public health and safety.

3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* There are no known historic or cultural resource sites that would be affected by the proposed action. Current and previous inventories did not locate any cultural materials in the area of potential effect (APE) for the proposed action. There are no parks, prime farmlands, or wild and scenic rivers in the planning area.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action. “Highly controversial” in the context of 40 CFR 1508.27(b)(4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown that there would be any unique or unknown risks to the human environment.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Big Dry RMP.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EISs which accompanied the Big Dry RMP.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.* The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.* There are no threatened or endangered species or habitat in the area of the proposed action.

10. Whether the action threatens a violation of Federal, State, Tribal or Local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, Tribal, or local law. Furthermore, the project is consistent with applicable land management plans, policies, and programs.



Todd D. Yeager
Field Manager
Miles City Field Office

8/12/2013

Date

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
RECORD OF DECISION**

NEMONT TELEPHONE COOPERATIVE RIGHT-OF-WAY MTM-105771
DOI-BLM-MT-C020-2013-0141-EA

DECISION

It is my decision to select the Proposed Action Alternative as described in the Nemont Telephone Cooperative's EA for the installation of a fiber optic telecommunications cable. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in the issuance of a Federal Land Policy and Management Act (FLPMA) ROW to Nemont Telephone Cooperative, Inc. for fiber optic telecommunications cables. The selected alternative is in conformance with the Big Dry Resource Management Plan.

ALTERNATIVES

In addition to the selected alternative, the EA considered the "No Action" alternative, which would carry out no management activities at this time.

RATIONALE FOR SELECTION

The purpose of the action is to allow Nemont Telephone Cooperative, Inc. to install a fiber optic telecommunication cable across the following Federal lands (PD Lands):

Principal Meridian, Richland County, Montana

T. 27 N., R. 56 E.,

sec. 7, Lots 6 thru 11, SE1/4SW1/4 and S1/2SE1/4;

sec. 8, Lot 12, S1/2SW1/4;

sec. 15, NE1/4SW1/4;

sec. 24, E1/2SE1/4, and SE1/4NE1/4.

T. 27 N., R. 57 E.,

sec. 19, Lots 5, 8, 9, 10, and SE1/4SW1/4;

sec. 30, Lots 1 thru 5, SW1/4NE1/4, SE1/4NW1/4.

T. 27 N., R. 55 E.,

sec. 7, SE1/4SW1/4 and SW1/4SE1/4;

sec. 8, Lot 7;

sec. 9, SW1/4NE1/4;

sec. 11, Lot 8.

T. 27 N., R. 54 E.,
sec. 12, Lots 15 and 16.

This action would be authorized by the issuance of an FLPMA ROW grant to Nemont Telephone Cooperative, Inc. The proposed action is in conformance with the Big Dry RMP/EIS. This proposed action will provide Nemont customers in Roosevelt and Richland Counties, Montana with an upgraded phone and Internet services.

CONSULTATION AND COORDINATION

The following BLM specialists were consulted: Doug Melton, Archaeologist; Jesse Hankins, Wildlife Biologist; Dena Lang, Outdoor Recreation Planner; Brenda Witkowski, Natural Resource Specialist (Weeds); Chris Robinson, Hydrologist and Beth Klempel, Realty Specialist. The following Nemont specialist was consulted: Dave Gaugler, Finley Engineering, Contractor Right-of-way Agent for Nemont Telephone. The Nemont Telephone Cooperative, Inc. ROW EA (DOI-BLM-MT-C020-2013-0141-EA) was made available online via the Miles City Field Office NEPA log.

IMPLEMENTATION

Once the Nemont Telephone Cooperative, Inc. EA FONSI and Decision Record are approved, a FLPMA ROW grant will be issued to Nemont Telephone Cooperative, Inc. as described in the subject EA with the identified stipulations included as part of the grant. This decision will be effective immediately. Actions may begin immediately in accordance with any restrictions or constraints imposed by the grant and stipulations. The grant will be monitored for construction, use and termination.

ADMINISTRATIVE REVIEW OPPORTUNITIES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, the notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. If the appellant wishes to file a petition (request) pursuant to regulations 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If the appellant requests a stay, they have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Todd D. Yeager
Field Manager
Miles City Field Office

8/12/2013

Date

MITIGATION MEASURES/REMARKS:

The right-of-way grant would be issued under the authority of Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and subject to the terms and conditions in 43 CFR 2800, the application, mitigations as mentioned in the plan of development, and subject to the following stipulations:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
3. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
4. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
5. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
6. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.

7. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

8. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.

9. The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within six months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to insure this does not occur.)

Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled.

The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of seven (7) days prior to seeding of the project.

Seed Mixture (silty) - Western wheatgrass must be included in the mix. Thickspike wheatgrass may be substituted only when western wheatgrass is unavailable. The combination for the seed mixture must include at least four of the following species including Western wheatgrass:

Species of Seed *(PLS)	(Variety)	Common Name	Pounds/acre
Pascopyrum smithii	(Rosanna)	Western wheatgrass	3.00
Pseudoroegneria spicata	(Goldar)	Bluebunch wheatgrass	2.00
Stipa viridula	(Lodom)	Green needlegrass	2.00
Elymus trachycaulus	(Pryor)	Slender wheatgrass	2.00
Stipa comata		Needleandthread	1.00
Bouteloua curtipendula		Sideoats Grama	2.00
Schizachyrium scoparium		Little bluestem	2.00

*Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.

10. Construction activity and surface disturbance will be prohibited during the period from

December 1 to March 31 for the protection of mule deer winter range habitat.

11. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.